

CITY COUNCIL MINUTES
NORMAN UTILITIES AUTHORITY MINUTES
NORMAN MUNICIPAL AUTHORITY MINUTES
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES

February 9, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 9th day of February, 2010, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
ABSENT:	None

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 17 excluding Item 14 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Cubberley; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 17 excluding Item 14, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Item 4 through Item 17 excluding Item 14 were placed on the consent docket by unanimous vote.

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Item 4, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 19, 2010
CITY COUNCIL FINANCE COMMITTEE MINUTES OF JANUARY 20, 2010
PUBLIC WATER FORUM, SERIES 2, MINUTES OF JANUARY 21, 2010
CITY COUNCIL CONFERENCE MINUTES OF JANUARY 26, 2010
CITY COUNCIL MINUTES OF JANUARY 26, 2010
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 26, 2010
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 26, 2010
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JANUARY 26, 2010
STORM WATER MASTER PLAN PUBLIC MEETING MINUTES OF JANUARY 27, 2010

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Kovach moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Councilmember Atkins;

- Items submitted for the record
1. City Council Study Session minutes of January 19, 2010
 2. City Council Finance Committee minutes of January 20, 2010
 3. Public Water Forum, Series 2, minutes of January 21, 2010
 4. City Council Conference minutes of January 26, 2010
 5. City Council minutes of January 26, 2010
 6. Norman Utilities Authority minutes of January 26, 2010
 7. Norman Municipal Authority minutes of January 26, 2010
 8. Norman Tax Increment Finance Authority minutes of January 26, 2010
 9. Storm Water Master Plan Public Meeting minutes of January 27, 2010

Item 4, continued:

and the question being upon approving the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 5, being:

CONSIDERATION OF THE FOLLOWING ORDINANCE UPON FIRST READING BY TITLE:

ORDINANCE NO. O-0910-19: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PORTION OF THE PUBLIC UTILITY EASEMENT LYING WITHIN LOT 1, BLOCK 1, FOWLER ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (955 INTERSTATE DRIVE)

~~ORDINANCE NO. O-0910-23: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 14-310(E) TO CHAPTER 14 OF THE CODE OF THE CITY OF NORMAN TO INCREASE MUNICIPAL COURT COSTS; AND PROVIDING FOR THE SEVERABILITY THEREOF. *~~

Councilmember Kovach moved that the ordinance be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Atkins;

- Items submitted for the record
1. City Memorandum dated January 27, 2010, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
 2. Ordinance No. O-0910-19 with Exhibit A, legal description and location map
 3. Location map
 4. Petition to close a part of a utility easement in Fowler Addition dated December 11, 2009
 5. Staff report dated January 14, 2010, recommending approval
 6. Pertinent excerpts from Planning Commission minutes of January 14, 2010

and the question being upon the Introduction and adoption of the ordinance upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the ordinance was Introduced, read, and adopted upon First Reading by title.

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Ordinance No. O-0910-23 was withdrawn at the request of Staff. *

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Item 6, being:

ITEM: CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS OF PAUL MINNIS, ALICIA BOSCARELLI, AND TOBIN VIGIL TO THE BICYCLE ADVISORY COMMITTEE; HOWARD SAXION AND THOMAS SHERMAN TO THE BOARD OF ADJUSTMENT; AND MALAKA ELYAZGI, KEITH ALLEN, AND EMILY MEAZELL TO THE PUBLIC SAFETY OVERSIGHT COMMITTEE.

BICYCLE ADVISORY COMMITTEE

- TERM: 02-13-10 TO 02-13-13: PAUL MINNIS, 1129 TROUT AVENUE
- TERM: 02-13-10 TO 02-13-13: ALICIA BOSCARELLI, 215 COLLIER DRIVE
- TERM: 02-13-10 TO 02-13-13: TOBIN VIGIL, 1130 WEST SYMMES STREET

BOARD OF ADJUSTMENT

- TERM: 02-09-10 TO 12-22-12: HOWARD SAXION, 601 36TH AVENUE N.E.
- TERM: 12-22-09 TO 12-22-12: THOMAS SHERMAN, 2811 MAJESTY COURT

PUBLIC SAFETY OVERSIGHT COMMITTEE

- TERM: 02-10-10 TO 02-10-13: MALAKA ELYAZGI, 1701 OAKHURST AVENUE
- TERM: 02-10-10 TO 02-10-13: KEITH ALLEN, 1605 PICKARD AVENUE
- TERM: 02-10-10 TO 02-10-13: EMILY MEAZELL, 640 TULSA STREET

Councilmember Kovach moved that the appointments be confirmed, which motion was duly seconded by Councilmember Atkins; and the question being upon confirming the appointments, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the appointments were confirmed.

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Item 7, being:

SUBMISSION OF REPORT ENTITLED "THE CITY OF NORMAN SINGLE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2009," AS PREPARED BY THE FIRM OF COLE AND REED, P.C., FOR THE CITY OF NORMAN, OKLAHOMA, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY.

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Kovach moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- 1. Memorandum dated January 26, 2010, from Clint Mercer, Chief Accountant, through Anthony Francisco, Director of Finance, to Honorable Mayor and City Councilmembers
- 2. The City of Norman Single Audit Report as of June 30, 2009, prepared by Cole and Reed, P.C.

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

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Item 8, being:

SUBMISSION OF THE CITIZEN’S PUBLIC SAFETY OVERSIGHT COMMITTEE ANNUAL REPORT.

Councilmember Kovach moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- 1. City of Norman Public Safety Oversight Committee annual Report, 2009

Participants in discussion

- 1. Mr. David Wilson, Chair, Citizen’s Public Safety Oversight Committee
- 2. Mr. Anthony Francisco, Finance Director
- 3. Mr. Stephen Lucas, made comments
- 4. Mr. Mark Campbell, 2821 Dewey Avenue
- 5. Mr. Jeff Bryant, City Attorney

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

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Item 9, being:

CONSIDERATION OF THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$2,000 FROM ELAND CZAR TO BE USED TO PURCHASE A PROTECTIVE VEST FOR A PATROL CANINE FOR THE POLICE DEPARTMENT AND BUDGET APPROPRIATION.

Councilmember Kovach moved that a donation in the amount of \$2,000 from Eland Czar to be used to purchase a protective vest for a patrol canine for the Police Department be accepted, General Fund, Citizen Donations (010-0000-365.13-72) be increased by \$2,000, and \$2,000 be appropriated to Uniform and Clothing/Safety and Protective (010-6022-421.35-02), which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- 1. Memorandum dated January 16, 2010, from Phil Cotten, Chief of Police, by Captain J.D. Younger, to Honorable Mayor and City Council

and the question being upon accepting a donation in the amount of \$2,000 from Eland Czar to be used to purchase a protective vest for a patrol canine for the Police Department and upon the subsequent increase and appropriation, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and a donation in the amount of \$2,000 from Eland Czar to be used to purchase a protective vest for a patrol canine for the Police Department accepted; Citizen Donations (010-0000-365.13-72) was increased by \$2,000 and \$2,000 was appropriated to Clothing/Safety and Protective (010-6022-421.35-02).

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Item 10, being:

CONSIDERATION OF ACCEPTANCE OF EASEMENT NO. E-0910-45, A PERMANENT PUBLIC DRAINAGE EASEMENT DONATED BY PECAN VALLEY FARMS, L.L.C., FOR THE TECUMSEH ROAD WIDENING PROJECT, PHASE II. (60TH AVENUE N.W. BETWEEN TECUMSEH ROAD AND INDIAN HILLS ROAD)

Councilmember Kovach moved that the easement be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- 1. Memorandum dated January 25, 2010, from Lonnie Ferguson, Capital Projects Engineer, to Honorable Mayor and Councilmembers
- 2. Location map
- 3. Easement No. E-0910-45 with Exhibit “A,” legal description

and the question being upon accepting the easement and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the easement accepted; and the filing thereof with the Cleveland County Clerk was directed.

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Item 11, being:

CONSIDERATION OF ALLOWING THE REVITALIZATION DIVISION TO PROCESS APPLICATIONS FOR THE EMERGENCY SHELTER GRANT PROGRAM FOR THE HOMELESS FROM QUALIFYING AGENCIES TO BE SUBMITTED TO THE OKLAHOMA DEPARTMENT OF COMMERCE.

Councilmember Kovach moved that the processing of applications from qualifying agencies by the Revitalization Division for the Emergency Shelter Grant Program for the Homeless be approved, the submission of the City of Norman Applications for the Emergency Shelter Grant Program for the Homeless be directed to ODOC, and the Mayor be authorized to sign the subsequent contracts contingent upon the City Attorney’s approval, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- 1. Memorandum dated January 21, 2010, from Linda R. Price, Revitalization Manager, to Honorable Mayor and Councilmembers

and the question being upon approving the processing of applications from qualifying agencies by the Revitalization Division for the Emergency Shelter Grant Program for the Homeless and upon the subsequent directive and authorization, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the processing of applications from qualifying agencies by the Revitalization Division for the Emergency Shelter Grant Program for the Homeless approved; the submission of the City of Norman Applications for the Emergency Shelter Grant Program for the Homeless were directed to ODOC, and the Mayor was authorized to sign the subsequent contracts contingent upon the City Attorney’s approval.

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Item 12, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0607-124: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND OKLAHOMA STATE UNIVERSITY TO PROVIDE VETERINARIAN SERVICES FOR THE ANIMAL WELFARE DIVISION.

Councilmember Kovach moved that Amendment No. One to Contract No. K-0607-124 with Oklahoma State University be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- 1. Memorandum dated January 26, 2010, from Phil Cotten, Chief of Police, to Honorable Mayor and City Council
- 2. Amendment No. One to Contract No. K-0607-124

and the question being upon approving Amendment No. One to Contract No. K-0607-124 with Oklahoma State University and upon the subsequent authorization, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-0607-124 with Oklahoma State University approved; the execution thereof was authorized.

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Item 13, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-0910-78 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SHAWNEE LIGHTING SYSTEMS FOR THE REAVES PARK SPORTS FIELD LIGHTING UPGRADE PROJECT.

Councilmember Kovach moved that the project be accepted and final payment in the amount of \$7,024.65 to Shawnee Lighting Systems be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- 1. Memorandum dated January 27, 2010, from Jud Foster, Director of Parks and Recreation, to Mayor and City Councilmembers
- 2. Purchase Order No. 180340 dated November 6, 2009, in the amount of \$140,493 subtracting partial payments totaling \$133,468.35 leaving a balance of \$7,204.65

and the question being upon accepting the project and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$7,024.65 to Shawnee Lighting Systems was directed.

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Item 14, being:

CONTRACT NO. K-0910-133: A CONTRACT BY AND BETWEEN THE BURLINGTON NORTHERN SANTA FE (BNSF) RAILWAY COMPANY AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR THE ROBINSON STREET GRADE SEPARATION PROJECT NO. TCSP-0H68(007) DC, JOB NO. 22670(04), AND ACCEPTANCE OF EASEMENT NO. E-0910-46 FROM BNSF RAILWAY COMPANY.

Councilmember Cubberley moved that Contract No. K-0910-133 with BNSF Railway Company and the Oklahoma Department of Transportation be approved, the execution thereof be authorized, Easement No. E-0910-46 be accepted, and the filing of the easement with the Cleveland County Clerk and payment in the amount of \$67,500 to BNSF Railway Company for the easement be directed; which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Memorandum dated February 4, 2010, from John Clink, Capital Projects Engineer, to Honorable Mayor and Councilmembers
2. Location map
3. Contract No. K-0910-133 with Exhibit "A", Plan Set; Exhibit "B", detailed estimate; Exhibit "C", Contractor Requirements; Plan Set; Exhibit "C-1", Agreement between BNSF Railway Company and the Contractor; Exhibit "D", Easement No. E-0910-46 with Exhibit "A", location map and Exhibit "B", Memorandum of Easement; Exhibit "E", Oklahoma Department of Transportation Special Provision for Railroad Flagging; and Exhibit "F", Oklahoma Department of Transportation Special Provision for Legal Relations and Responsibility to Public (Railroad Insurance)
4. Purchase Requisition No. 0000167441 dated February 4, 2010, in the amount of \$67,500 to BNSF Railway Company
5. PowerPoint presentation entitled "Robinson Street Underpass"

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works

Thereupon, Councilmember Cubberley moved to amend the contract to reflect actual cost of permanent easement to be \$67,500 and the temporary construction license to be \$59,021; which motion was duly seconded by Councilmember Kovach; and the question being upon amending the contract to reflect actual cost of permanent easement to be \$67,500 and the temporary construction license to be \$59,021, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the contract was amended to reflect actual cost of permanent easement to be \$67,500 and the temporary construction license to be \$59,021.

and the question being upon approving Contract No. K-0910-133, as amended, with BNSF Railway Company and the Oklahoma Department of Transportation and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-0910-133, as amended, with BNSF Railway Company and the Oklahoma Department of Transportation approved; the execution thereof was authorized, Easement No. E-0910-46 was accepted, and the filing of the easement with the Cleveland County Clerk and payment in the amount of \$126,521 to BNSF Railway Company for the easement were directed.

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Item 15, being:

CONTRACT NO. K-0910-139: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND SEVERN TRENT WATER PURIFICATION IN THE AMOUNT OF \$125,000 FOR THE PURCHASE OF WELLHEAD ARSENIC REMOVAL EQUIPMENT FOR THE WATER TREATMENT DIVISION.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-0910-139 with Severn Trent Water Purification in the amount of \$125,000 be approved, which motion was duly seconded by Trustee Atkins;

Items submitted for the record

1. Memorandum dated January 27, 2010, from Geri Wellborn, Laboratory Manager, to Norman Utilities Authority (NUA)
2. Report entitled "Results and Conclusions for the Well-Head Arsenic Removal Demonstration Project" prepared for the City of Norman by Steven M. Jones, P.E., Garver Engineers
3. Contract No. K-0910-139
4. Purchase Requisition No. 0000166424 dated January 8, 2010, in the amount of \$125,000 to Severn Trent Water Purification
5. PowerPoint presentation entitled "Garber Wellington Arsenic Removal"

Participants in discussion

1. Ms. Geri Wellborn, Laboratory Manager
2. Mr. Leonard Youngblood, 3201 Swan Hollow Drive, asked questions
3. Mr. Ken Komiske, Director of Utilities

and the question being upon approving Contract No. K-0910-139 with Severn Trent Water Purification in the amount of \$125,000 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Contract No. K-0910-139 with Severn Trent Water Purification in the amount of \$125,000 approved; and the authorization thereof was authorized.

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Item 16, being:

RESOLUTION NO. R-0910-88: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING THAT THE 2030 OKLAHOMA CITY AREA REGIONAL TRANSPORTATION STUDY (OCARTS) PLAN BE AMENDED BY THE INTERMODAL TRANSPORTATION POLICY COMMITTEE TO ADD CEDAR LANE BETWEEN 12TH AVENUE S.E. AND ONE-HALF MILE EAST OF 24TH AVENUE S.E., AS A FOUR LANE URBAN ROADWAY CONSISTENT WITH THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN.

Councilmember Kovach moved that Resolution No. R-0910-88 be adopted, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Memorandum dated January 25, 2010, from Angelo A. Lombardo, City Traffic Engineer, to Honorable Mayor and City Council
2. Resolution No. R-0910-88
3. Location map
4. Application for Amendment of the 2030 Oklahoma City Area Regional Transportation Study (OCARTS) Plan dated January 21, 2010

and the question being upon adopting Resolution No. R-0910-88, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-88 was adopted.

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Item 17, being:

RESOLUTION NO. R-0910-92: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING A YOUTH COUNCIL FOR THE PURPOSE OF PROMOTING CIVIC ENGAGEMENT AMONG CITY YOUTH AND TO ENABLE THE CITY COUNCIL TO RECEIVE ADVICE FROM CITY YOUTH ON ISSUES AFFECTING YOUNG PEOPLE.

Councilmember Kovach moved that Resolution No. R-0910-92 be adopted, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- 1. Memorandum dated February 2, 2010, from Carol Coles, Administrative Assistant, to the Honorable Mayor and City Councilmembers
- 2. Resolution No. R-0910-92
- 3. City Council Conference minutes of January 12, 2010

and the question being upon adopting Resolution No. R-0910-92, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-92 was adopted.

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Councilmember Quinn asked that he be allowed to abstain from voting on Item 18 due to a conflict of interest. Thereupon, Councilmember Cubberley moved that Councilmember Quinn be allowed to abstain from voting on Item 18 due to a conflict of interest, which motion was duly seconded by Councilmember Dillingham; and the question being upon allowing Councilmember Quinn to abstain from voting on Item 12 due to a conflict of interest, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Mayor Rosenthal
NAYES:	None
ABSTAIN:	Councilmember Quinn

The Mayor declared the motion carried and Councilmember Quinn was allowed to abstain from voting on Item 12 due to a conflict of interest.

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Item 18, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR BROOKHAVEN NO. 42 ADDITION.

Councilmember Ezzell moved that the preliminary plat for Brookhaven No. 42 Addition be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

- 1. Memorandum dated January 25, 2010, from Angelo Lombardo, Traffic Engineer, and Ken Danner, Development Manager, to Honorable Mayor and Councilmembers
- 2. Memorandum dated January 25, 2010, from James Briggs, Park Planner II, to Ken Danner, Development Manager
- 3. Location map
- 4. Preliminary plat
- 5. Staff Report dated December 10, 2009, recommending approval
- 5. Site development plan
- 6. Pertinent excerpts from Planning Commission minutes of December 10, 2009

Item 18, continued:

Participants in discussion

- 1. Mr. David Hargis, Clour Engineering of Oklahoma, 1827 Atchison Drive, engineer representing the applicant

and the question being upon approving the preliminary plat for Brookhaven No. 42 Addition, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Mayor Rosenthal
NAYES:	None
ABSTAIN:	Councilmember Quinn

The Mayor declared the motion carried and the preliminary plat for Brookhaven No. 42 Addition was approved.

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Item 19, being:

RESOLUTION NO. R-0910-72: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-0910-3, SO AS TO PLACE 349.66 ACRES OF SECTION THREE, TOWNSHIP NINE NORTH, RANGE THREE WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVICE AREA AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA; PLACE TRACT 1 IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION; PLACE TRACT 2 IN THE HIGH DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION; AND PLACE TRACT 4 IN THE MEDIUM DENSITY DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION. (GENERALLY LOCATED BETWEEN INDIAN HILLS ROAD AND FRANKLIN ROAD AND BETWEEN 36TH AVENUE N.W. AND 48TH AVENUE N.W.)

Councilmember Quinn moved that Resolution No. R-0910-72, Land Use Plan Amendment No. LUP-0910-3, be postponed until March 23, 2010, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated February 9, 2010, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
- 2. Resolution No. R-0910-72, Land Use Plan Amendment No. LUP-0910-3
- 3. Location map
- 4. Staff Report dated January 14, 2010, recommending approval
- 5. Pertinent excerpts from Planning Commission minutes of January 14, 2010

and the question being upon postponing Resolution No. R-0910-72, Land Use Plan Amendment No. LUP-0910-3, until March 23, 2010, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-72, Land Use Plan Amendment No. LUP-0910-3, was postponed until March 23, 2010.

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Item 20, being:

ORDINANCE NO. O-0910-14: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED BETWEEN INDIAN HILLS ROAD AND FRANKLIN ROAD AND BETWEEN 36TH AVENUE N.W. AND 48TH AVENUE N.W.)

Ordinance No. O-0910-14 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 26, 2010, Councilmember Quinn moved that Ordinance No. O-0910-14 be postponed until March 23, 2010, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Ordinance No. O-0910-14 with Exhibit A, site development plan
2. Location map
3. Staff Report dated January 14, 2010, recommending approval
4. Planned Unit Development Narrative for J & J Properties Addition dated November 9, 2009, and revised January 11, 2010, submitted by Sean Paul Rieger, the Rieger Law Group, with Exhibit A, Proposed Preliminary Plat; Exhibit B, Proposed Preliminary Site Development Plan; Exhibit C, Proposed Open Space Areas; Exhibit D, Proposed Zoning Districts; Exhibit E, Proposed 48th Avenue N.W., Right-of-Way Development; and Exhibit F, Proposed Fencing Around Swimming Pools in Single Family Districts
5. Phasing plan
6. Protest and Support Area Map showing 44.3% support and 3.9% protest
7. Letter of protest dated December 7, 2009, from William C. Henley, Attorney at Law, to Planning and Community Development, City of Norman
8. Letter dated February 3, 2010, withdrawing protest from William C. Henley, Attorney a Law, to Planning and Community Development
9. Statement of Support dated December 2, 2009, from Donald J. Kyte, Manager of J & J Properties, to Norman City Council, City of Norman Planning Commission, and City of Norman Planning Department
10. Statement of Support dated December 23, 2009, from Dan Reeves, Managing Partner of Landmark Fine Homes, L.P., to Norman City Council, City of Norman Planning Commission, and City of Norman Planning Department
11. Statement of Support dated December 24, 2009, from Richard McKown, Manager of Carrington Place, L.L.C., to Norman City Council, City of Norman Planning Commission, and City of Norman Planning Department
12. Statement of Support dated December 24, 2009, from Elizabeth McKown to Norman City Council, City of Norman Planning Commission, and City of Norman Planning Department
13. Statement of Support dated January 11, 2010, from Sassan K. Moghadam, Manager of L&S Development, L.L.C., to Norman City Council, City of Norman Planning Commission, and City of Norman Planning Department
14. Statement of Support dated January 11, 2010, from Sassan K. Moghadam to Norman City Council, City of Norman Planning Commission, and City of Norman Planning Department
15. Statement of Support from Anthony Mirzaie, Manager of Westpoint Developers, L.L.C., to Norman City Council, City of Norman Planning Commission, and City of Norman Planning Department
16. Pertinent excerpts from Planning Commission minutes of January 14, 2010

and the question being upon postponing Ordinance No. O-0910-14 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-0910-14 was postponed until March 23, 2010.

Item 21, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR J & J PROPERTIES ADDITION, A PLANNED UNIT DEVELOPMENT, WAIVER OF ALLEY REQUIREMENTS FOR THE COMMERCIAL PROPERTIES, AND A VARIANCE IN THE NUMBER OF STREET CONNECTIONS AT 48TH AVENUE N.W.

Councilmember Quinn moved that the preliminary plat for J & J Properties Addition, a Planned Unit Development, waiver of alley requirements for the commercial properties, and a variance in the number of street connections for 48th Avenue N.W. for J & J Properties Addition, a Planned Unit Development be postponed until March 23, 2010, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated January 22, 2010, from Angelo Lombardo, Traffic Engineer, and Ken Danner, Development Coordinator, to Honorable Mayor and Councilmembers
2. Location map
3. Oil well site plan
4. Preliminary site development plans
5. Preliminary plat
6. Staff Report dated January 14, 2010, recommending approval
7. Letter requesting alley waiver from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Jim Gasaway, Chairman, Planning Commission
8. Letter dated January 6, 2010, requesting variance of street requirements from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Jim Gasaway, Chairman, Planning Commission
9. City of Norman Development Review Form, Transportation Impacts, dated January 6, 2010, conducted by David R. Riesland, P.E., Assistant Traffic Engineer
10. Pertinent excerpts from Board of Parks Commissioners of January 7, 2010

and the question being upon postponing the preliminary plat for J & J Properties Addition, a Planned Unit Development, waiver of alley requirements for the commercial properties, and a variance in the number of street connections for 48th Avenue N.W. for J & J Properties Addition, a Planned Unit Development, until March 23, 2010, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the preliminary plat for J & J Properties Addition, a Planned Unit Development, waiver of alley requirements for the commercial properties, and a variance in the number of street connections for 48th Avenue N.W. for J & J Properties Addition, a Planned Unit Development, was postponed until March 23, 2010.

* * * * *

MISCELLANEOUS DISCUSSION

Eminent Domain. Mr. Leonard Youngblood, 3201 Swan Hollow Drive, asked how a citizen could request a list of properties obtained by eminent domain since 1950.

Ms. Brenda Hall, City Clerk, replied that a request could be submitted to the City Clerk’s Office.

*

Speed Bumps. Mr. Leonard Youngblood, 3201 Swan Hollow Drive, asked if there is a process to remove speed bumps removed.

Mr. Shawn O’Leary, Director of Public Works, said there was a program manual available describing the removal process, that a petition of adjacent property owners is required, and the cost of the removal is borne by the neighborhood.

Mr. Youngblood asked Mr. O’Leary to clarify that the neighborhood would bear the burden of the cost of the removal of the speed bumps but would the neighborhood have to pay for installation of the speed bumps. He asked if a petition was required to have speed bumps installed in a neighborhood and where the manual could be obtained.

Mr. O’Leary said the speed bumps would be paid for by the neighborhood, the City would pay costs for installation; and a petition for installation was required. He said the manual was available on the website.

*

Miscellaneous Discussion, continued:

Arsenic Removal. Mr. Mark Campbell, 2821 Dewey Avenue, asked if the wells used for arsenic removal were recharging.

Mayor Rosenthal said the wells draw water from the Garber Wellington Aquifer.

*

Sidewalks on Robinson Underpass. Mr. Mark Campbell, 2821 Dewey Avenue, asked if the sidewalk would be on the south side of the Robinson Underpass to connect to Legacy Trail.

Mayor Rosenthal said there will be sidewalks on both sides of the underpass but on the north side, the sidewalk will be a ten-foot multimodal trail that will eventually connect to Legacy Trail.

*

Norman is Going to the Dogs. Mr. Mark Campbell, 2821 Avenue invited everyone to submit photographs of their dogs to be included in a display at the Norman Public Library for the month of March entitled "Norman is Going to the Dogs". He asked that the photos be emailed to mark.campbell@ou.edu by no later than February 20.

*

Legal Publications. Ms. Sylvia Martin, Post Office Box 430, said she had been reading legal notices for several years to follow what was happening in City government and it was very educational. She said in the past several weeks, a legal notice had appeared in the Norman Transcript relative to the Hazardous Waste Disposal conducted by the City of Norman. She asked what the services were that were being bid out and why. She said there had also been a bid advertised for the collection of warrants. She said the local newspaper reported that the City's effort for collection of warrants was successful and wanted to know why the City decided to bid this out. She said on Saturday there was a column in the newspaper regarding the Oklahoma Municipal League introducing legislation to eliminate the requirement of proof of public notices. She said she hope the City of Norman would not endorse this because the public has a right to know and the printed media is still proof of publication to the public.

Mr. Steve Lewis, City Manager, said there had been a recent request for proposal (RFP) that was put out by the City to engage collection firms to collect delinquent Municipal Court fees and warrants. He said there had been a recent Municipal Warrant Amnesty Program which had just ended. He said approximately \$30,000 had been collected and what is being proposed through the RFP process is not related. During the last session of the legislature, Cities that operate Municipal Courts were given the ability to secure collection services in order to retrieve delinquent fees and warrants. He said the City is going through that process in an effort to collect these fees.

Ms. Martin asked what State Statute provided this.

Mr. Lewis said he would get Ms. Martin the information.

Mayor Rosenthal said there had been discussion by the Oklahoma Municipal League Board that small communities across the State of Oklahoma had to publish legal publications to meet public notice requirement in the Statewide newspapers and the costs were prohibitive. She said an online alternative had been discussed which might be beneficial to small communities.

Ms. Martin said it was important for citizens to know that the Oklahoma Municipal League was endorsing this item.

*

Statement. Ms. Jeanette Coker, 620 East Main Street, said she would like to hear the rest of Councilmember Kovach's statement.

Mayor Rosenthal said she was sure the statement would be heard during Council comments.

*

Missing Child Found. Councilmember Atkins said there had been a fire and a missing child for a period of twelve hours at the same location in his ward last weekend. He thanked both the Police and Fire Departments for their assistance to successfully find the little girl. It was a true team effort.

*

Miscellaneous Discussion, continued:

Arsenic Removal Project. Councilmember Kovach for thanking Geri Wellborn, Laboratory Manager, for becoming the project manager for the Well-Head Arsenic Removal Demonstration Project which was not a part of her job duties. He said everyone should be grateful for this type of spirit and initiative.

*

Public Safety Sales Tax. Councilmember Kovach said the point he had been trying to make during discussion of the Public Safety Sales Tax Annual Report was that he had received a Finance Committee memo that mentioned the possibility of using public safety sales tax money to refurbish the Smalley Center because there were no funds set assist for renovation. He said he was quite dismayed to read this proposal after being told that the money could not be used.

Councilmember Dillingham thanked the citizens and for working so hard and thinking so clearly to approve the Public Safety Sales Tax and commended the Citizen's Public Safety Oversight Committee. She said other cities are laying off public safety employees at an alarming rate and the City is fortunate to have this in place.

*

Open Meetings Act. Councilmember Kovach said he recently read about the OU Student Congress being accused by their local paper of violating the Open Meetings Act. He said they admitted no wrong but rescinded the measure that had been passed and approved it again in order to avoid the appearance of impropriety and that was commendable because we are here for the people not for ourselves. He said many of the candidates in this election cycle had signed the Open Meetings Act Pledge provided by Freedom of Information Oklahoma and he found it ironic that when we were in the same type of situation in June of 2009, the simple solution of asking for a public meeting was denied. He said the City Attorney who was at the meeting alleged to have been in violation wrote an opinion stating it was not in violation of the Open Meetings Act. He said that was a conflict of interest. He said the same attorney was representing Council on this matter throughout the period of time including in December, 2009, when the OSBI was conducting an investigation of the Open Meetings Act violation. He said the City Attorney called and offered to represent individuals on Council who might be asked for interviews but he was not called. He said he made the request for representation on December 18, 2009, because even though he was the complaining party, the D.A. had told him he would be subject to the same penalties as the rest of the Council. He said he was told by the City Attorney that he would not be given any access to Counsel and that he should get his own counsel since he was the reporting party. He said he made the report because he felt he was following the Ethics Policy of the City and trying to represent the citizens of the City. He said he made no claims to be able to judge what is right or wrong for other people. He said it sends a chilling message to those trying to do the right thing to be told that if they were the one making the report they would not have the same rights that are afforded to the rest of the Council. He said his predecessor, Richard Stawicki, comes to Council meetings to remind everyone that the Charter trumps all. He said the City Charter states "It shall be the City Attorney's duty to advise the Council and each member thereof." He said he is afforded that right by the Charter and was denied that right by the City Attorney. He said he has failed to receive any clarifications and concerned about the precedent this sets. He requested the City Manager launch an investigation of the City Attorney's Office for violation of the Charter provision and that such investigation be conducted by outside counsel since there is a conflict of interest and that such report be given to Council as required by the Charter.

Mayor Rosenthal said there was a response last week to Councilmember Kovach's request for counsel and asked the City Manager to respond and hopefully, we can work to resolve his concerns.

Mr. Steve Lewis, City Manager, said the City Attorney is a very special municipal officer who provides legal counsel to the City and the City Council. He said the City Attorney must provide advice and take actions that are consistent with the Charter and the Bar Association. He said we would continue to look at that and it is his intent to meet with the City Attorney and Councilmember Kovach to resolve this question to everyone's satisfaction.

*

Norman Youth Council. Councilmember Griffith said he was very pleased that the resolution was adopted this evening creating the Norman Youth Council. He said it was very important for young people to get involved early. He said Student Councils are the first step to political activism and he was exciting to see the City offer these high school students the opportunity to have a significant input in the quality of life in Norman. He said he looked forward to their valuable input.

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Miscellaneous Discussion, continued:

Councilmember Cubberley said there was a recent article in the newspaper about some of the budget issues facing the City. He said we were obviously in a challenging time and the City of Tulsa and the City of Oklahoma City were both laying off personnel. He said City Council started discussing budget issues before the budget had been adopted in June. He said as Finance Committee Chair he had met with the City Manager in August because sales tax was not coming as projected. He said they discussed holding back on expenses and the credit should go to the City Manager and the Finance Director who have kept a close eye on expenses and revenues. He said 2% had been set aside as an emergency reserve and a 6% reserve set aside and at this time, those reserves are still in place. He said the City Manager has challenged his staff to use the money given to us wisely and expenditures are much lower. He said labor costs are over 60% of the budget and we will have expenses but there is a shortfall, the City Manager asked staff to find \$1.5 million in savings and \$1 million of line items by cutting back some services have been identified so far. He said fuel prices went down creating a savings of \$400,000. He said we recently received a sales tax check for December sales and it was up .8% from last year. Normally we are looking at a 4-5% increase and although .8% is not much at least it is not in the negative. He said the State will soon be going through their own budget and making cuts which will have an impact on Norman. He said the Finance Director is working on numbers for next year. He said the City has one of the most efficient budgets when we look at per capita expenditures and we spend less on employees and expenditure than other cities that we compare ourselves to. We will be cutting areas that some citizens and Councilmembers won't like. He thanked the City Manager and Finance Director.

Councilmember Quinn said in light of Councilmember Cubberley's remarks, it was important to support, shop, and eat in restaurants in Norman and if you have people come visit from out of town, stay in one of our hotels.

Mayor Rosenthal there were many in attendance Monday, February 8th, and the forum for City Council/Mayoral Candidates sponsored by the League of Women Voters and held at City Hall. She said there was much talk about a crisis with respect to budgets and Councilmember Cubberley described the situation correctly and the City has been at work on this since last summer. She said it was a lively part of the conversation at the Council retreat in August and has continued to be a significant part of the discussion of the Finance Committee along with the City Manager and the Finance Director. She said she did not believe that the term "crisis" is applicable to the City of Norman at this time. She said significant progress has been made in cutting costs and is less than 2% of the budget and as Councilmember Cubberley indicated no reserves have been touched. She said we have the leanest ratio of staff per 1,000 population of any community that we compare ourselves in Central Oklahoma and yet we serve, next to Oklahoma City, the largest geographic area. We are in a "smart freeze" which is not a layoff situation. She thanked the City Manager, Finance Director, and Councilmember Cubberley for his leadership on the Finance Committee as well as the other members and staff. She said there has been a lot of discussion about \$8.3 million in unfunded deferred maintenance. She commended Brenda Hall, City Clerk, who has at the direction of the Finance Committee undertaken an extensive inventory of maintenance projects in the City of Norman. She said for 20 to 25 years, one of the first things that got cut when there were tight budgets are maintenance projects. She said with the leadership of Councilmember Cubberley, the Finance Committee, and Brenda Hall and her staff, the inventory is complete and needs are identified. She said at a Finance Committee meeting, Staff was tasked with finding some potential funding sources to pay for the unfunded project. She said Public Safety Sales Tax was rejected as an option but there were three or four sources identified that came to about \$8.2 million.

Mr. Steve Lewis, City Manager, said the reason \$1.5 million was the amount selected to cut from the current year's budget was in order to make up what our forecasts are to be the shortfall in all our General Fund revenue. He said we did not want to find ourselves in the position of dipping into our emergency reserve or fund balance at the end of the fiscal year. He said to date a little over \$1 million has been identified and are now looking at the second round of cuts although he has not approved the additional cuts. The goal is to bring these suggestions back to the Finance Committee. He said the collections being up was good news and hopefully the trend will hold. He said the situation will be monitored on a month-to-month basis.

*

Porter Corridor Open House. Mayor Rosenthal said there is an Open House discussion Wednesday, February 10, 2010, from 4:00 p.m. to 6:00 p.m. in the Multipurpose Room at 201 West Gray that will look at infrastructure options with respect to Porter Corridor and provide citizens an opportunity to look at the different strategies for dealing with public safety issues on the corridor.

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ADJOURNMENT

There being no further business, Councilmember Kovach moved that the meeting be adjourned, which motion was duly seconded by Councilmember Atkins; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the meeting was adjourned at 9:17 p.m.

ATTEST:

City Clerk

Mayor